

Appendix E – Legal and Policy Guidance, Applicable Laws, Executive Orders, and Policies

Appendix E – Legal and Policy Guidance, Applicable Laws, Executive Orders, and Policies

Legal mandates and policies of the U.S. Fish and Wildlife Service (Service) govern the Service's planning and management of the National Wildlife Refuge System (NWRS). A list and brief description of these legal mandates can be found at <http://www.fws.gov/laws/Lawsdigest.html>. In addition, the Service has developed policies to guide NWRS planning and management. These policies can be found in the Service Manual (<http://www.fws.gov/policy/manuals/>).

The purpose of this appendix is to describe the various laws, Executive orders, and policies that affect the development and implementation of the Klamath NWRC CCP.

Federal Regulations, Executive Orders, and Legislative Acts

All projects and step-down plans described in a CCP will be required to comply with the National Wildlife Refuge System Improvement Act of 1997 and the National Environmental Policy Act, as well as a variety of other Federal regulations, Executive orders, and legislative acts.

Table 1, which describes the laws and Executive orders applicable to the implementation of the Klamath NWRC CCP, includes a brief description of the applicable laws and/or Executive orders, as well as discussion about how it relates to CCP implementation.

Table 1 Applicable Laws and Executive Orders		
Law, Regulation, or Guideline	Description	Relation to the CCP
Agency Coordination		
Executive Order No. 12372, Intergovernmental Review of Federal Programs	Requires that Federal agencies afford other agencies review of documents associated with Federal programs.	Availability of the EIS will be advertised in the Federal Register and copies of the draft CCP/EIS will be sent to Federal, State (including the State Clearinghouse), and local agencies and tribal governments.

Table 1 Applicable Laws and Executive Orders		
Law, Regulation, or Guideline	Description	Relation to the CCP
Refuge Management and Uses		
The National Wildlife Refuge System Administration Act of 1966 (16 USC 668dd-668ee), National Wildlife Refuge System Improvement Act of 1997 (PL 105-57)	Administration, management, and planning for National Wildlife Refuges, Amends the National Wildlife Refuge System Administration Act of 1966. Requires development of CCPs for all refuges outside of Alaska.	This CCP has been prepared in compliance with the Improvement Act. Protection of species and habitat takes priority over other actions and wildlife-dependent recreational uses are accommodated when deemed compatible. Public involvement was an important component of the CCP process.
The Refuge Recreation Act of 1962, as amended	Provides for recreation use that is compatible with the primary purpose of a refuge.	Opportunities for compatible recreational uses are provide on both Refuges within the Complex.
Fish and Wildlife Improvement Act of 1978	Improves administration of fish and wildlife programs and amends earlier laws including Refuge Recreation Act, NWRS Administration Act, and Fish and Wildlife Act of 1956. Authorizes the Secretary to accept gifts or real and personal property on behalf of the U.S. Also authorizes use of volunteers on Service projects and appropriations to carry out a volunteer program.	The CCP acknowledges that some lands on the Lower Klamath NWR were acquired through donation. Volunteers play an important role in public outreach, environmental education, and interpretation on both Refuges within the Complex.
Executive Order No. 12996, Management and General Public Use of the National Wildlife Refuge System	Directs the Secretary of the Interior to recognize compatible wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and photography, and environmental education/ interpretation as priority general public uses on refuges.	The CCP addresses the compatibility of these uses on the Refuge Complex.
Kuchel Act (16 USC 695k-r)	Requires that the refuge lands be used primarily for waterfowl purposes but with full consideration given to optimum agricultural use so far as agricultural use is consistent with the refuge purposes. In addition, the pattern of agricultural leasing existing in 1964 is to be continued on specified lands within the refuges as consistent with proper water fowl management.	Appendix M of the CCP/EIS interprets the Kuchel Act as it relates to management of Lower Klamath and Tule Lake Refuges.

Table 1 Applicable Laws and Executive Orders		
Law, Regulation, or Guideline	Description	Relation to the CCP
Biological Resources		
Endangered Species Act of 1973 (16 USC 1531 et seq.), as amended (ESA)	Provides for protection of plants, fish, and wildlife that have a designation as threatened or endangered.	An Intra-Service Section 7 consultation is being completed that evaluates the effects of the proposed actions on the Refuge's federally listed species.
Fish and Wildlife Act of 1956 (16 USC 742a-743j, not including 742d-742l)	Provides Secretary of Interior with authority to protect and manage fish and wildlife resources.	The Service will continue to comply with this Act under the CCP.
Fish and Wildlife Conservation Act of 1980 (16 USC 661-667e), as amended	Requires the Service to monitor non-game bird species, identify species of management concern, and implement conservation measures to preclude the need for listing under ESA.	Bird surveys are regularly conducted on the Klamath Refuge Complex. Species of concern are identified in the CCP and conservation measures intended to protect these species have been incorporated into the CCP.
Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds (10, Jan. 2001)	Instructs Federal agencies to conserve migratory birds by several means, including the incorporation of strategies and recommendations found in Partners in Flight Bird Conservation Plans, the North American Waterfowl Plan, the North American Waterbird Conservation Plan, and the United States Shorebird Conservation Plan, into agency management plans and guidance documents.	The Service has incorporated the strategies and recommendations of the listed management plans into the CCP to conserve migratory birds.
Migratory Bird Treaty Act of 1918, as amended (MBTA)	Provides protection for bird species that migrate across state and international boundaries.	The protection and management of habitat to support migratory birds is a goal of each refuge in the Klamath Complex.
The Bald and Golden Eagle Protection Act of 1940 (16 USC 668 et seq.)	Provides protection for bald and golden eagles.	Measures to protect migratory birds from disturbance would also ensure protection of bald eagles, which occur at all refuges within the Klamath Complex. The measures described for the protection and management of habitat on Bear Valley NWR would also provide protection for golden eagles that may nest or roost on the Refuge.

Table 1 Applicable Laws and Executive Orders		
Law, Regulation, or Guideline	Description	Relation to the CCP
Fish and Wildlife Coordination Act of 1958	Requires equal consideration and coordination of wildlife conservation with other water resource development programs.	The CCP acknowledges the need to coordinate Refuge management with various water agencies, including the Bureau of Reclamation
Resource Protection		
National Environmental Policy Act of 1969 (42 USC 4321 et seq.) (NEPA)	Requires analysis, public comment, and reporting for environmental impacts of Federal actions.	The public will be notified of the availability of the draft EIS and will be provided a 45-day period to provide comments.
Executive Order 13112, Invasive Species	Federal agencies are required to use relevant programs and authorities to prevent, control, monitor, and research invasive species and coordinate complementary, cost-efficient, and effective activities concerning invasive species by relying on existing organizations already in place that address invasive species issues.	The CCP addresses the need to work with others to address invasive species issues on the Refuge Complex. In addition, an Integrated Pest Management Program has been prepared for the Refuge Complex.
Federal Noxious Weed Act of 1990	Requires the use of integrated management systems to control or contain undesirable plant species, and an interdisciplinary approach with the cooperation of other Federal and State agencies.	An Integrated Pest Management Program has been prepared for the Refuge Complex.
Executive Order No. 11990, Protection of Wetlands	Provides for the conservation of the natural and beneficial values of wetlands and their associated habitats.	The CCP includes strategies to protect, restore, and enhance the wetlands that occur within the Klamath Complex.
Emergency Wetlands Resources Act of 1986	Promotes the conservation of migratory waterfowl and offsets or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitats.	Management strategies for the Klamath Complex include the protection, restoration, and enhancement of wetlands to support migratory birds.
Executive Order No. 11988, Floodplain Management	Provides for the support, preservation, and enhancement of the natural and beneficial values of floodplains.	The Klamath water system is highly managed. No structures occur on these Refuges that would impede flood flows and management actions will protect the natural and beneficial values of the floodplain.

Table 1 Applicable Laws and Executive Orders		
Law, Regulation, or Guideline	Description	Relation to the CCP
Farmland Protection Policy Act (7 USC 4201 et seq.)	Intended to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses.	The management practices outlined in the CCP for lands within the Refuge Complex would not result in the irreversible conversion of prime farmland and farmland of statewide importance to nonagricultural uses.
Tribal Coordination		
Executive Order 13175, Consultation and Coordination with Indian Tribal Governments	Requires Federal agencies to implement an accountable process to ensure meaningful and timely input by tribal officials as policies are developed that have tribal implications.	Tribal governments potentially having an interest in the management of the Refuge Complex were consulted prior to publication of the Notice of Intent; provided updates during the CCP process; provided an opportunity to comment on the administrative draft CCP/EIS; and received notification of the availability of the draft CCP/EIS.
Cultural Resources		
Antiquities Act of 1906	This act authorizes the scientific investigation of antiquities on Federal land. It prohibits and provides penalties for unauthorized search for or collection of artifacts or other objects of scientific interest. The Act also authorizes the President to establish national monuments and cultural areas on Federal lands.	The Service will continue to comply with this Act under the CCP.
Native American Graves Protection and Repatriation Act of 1990 (PL 101-601; 25 USC 3001 et seq.)(NAGPRA)	Regulations for the treatment of Native American graves, human remains, funeral objects, sacred objects, and other objects of cultural significance. Requires consultation with Native American Tribes during Federal project planning.	The CCP recommends the initiation of discussions with the appropriate Native American Tribes regarding the development of a Memorandum of Understanding to address the inadvertent discovery clause in NAGPRA.
Executive Order 13007, Indian Sacred Sites (24 May, 1996)	Provides for access to, and ceremonial use of, Indian sacred sites on Federal lands used by Indian religious practitioners and direction to avoid adversely affecting the physical integrity of such sites.	The tribes have been contacted regarding the CCP and have been invited to provide information necessary to protect sacred sites and other resources.

Table 1 Applicable Laws and Executive Orders		
Law, Regulation, or Guideline	Description	Relation to the CCP
American Indian Religious Freedom Act 1978 (PL 95-341; 92 STAT 469; 42 USC 1996)	Provides for freedom of Native Americans to believe, express, and exercise their traditional religion, including access to important sites.	The tribes have been contacted regarding the CCP and have been invited to provide information necessary to protect sacred sites and other resources.
Executive Order No. 11593, Protection and Enhancement of the Cultural Environment	Provides that if the Service proposes any development activities that may affect archaeological or historical sites, the Service will consult with Federal and State Historic Preservation Officers to comply with Section 106 of the National Historic Preservation Act of 1966, as amended.	Any cultural resources that have been identified will be protected, and steps to avoid any inadvertent impacts to subsurface deposits that have yet to be identified will be taken.
Archaeological Resources Protection Act of 1979 (PL 96-95; 93 STAT 722; 16 USC 470aa-47011), as amended (ARPA)	Protects materials of archeological interest from unauthorized removal or destruction and requires Federal managers to develop plans to locate archaeological resources.	Any cultural resources that have been identified will be protected, and steps to avoid any inadvertent impacts to subsurface deposits that have yet to be identified will be taken. Language in the CCP will ensure that the implementation of the requirements in this Act will continue.
National Historic Preservation Act of 1966 (PL 89-665; 50 STAT 915; 16 USC 470 et seq.; 36 CFR 800), as amended (NHPA)	Requires Federal agencies to consider the effects of any actions or programs on historical properties and to engage in government to government consultation with tribes where tribal culture or resources could be affected.	The EIS prepared to accompany the draft CCP addresses the potential effects of the actions proposed in the CCP and includes measure to ensure that no adverse effects to historical properties will occur.
Archaeological and Historic Preservation Act of 1974 (PL 93-291; 88 STAT 174; 16 USC 469)	Provides for the preservation of historical buildings, sites, and objects of national significance.	Several historical resources have been identified within the Complex to date. Evaluation of potential resources will continue and those resources of national significance will be preserved per the CCP.

Table 1 Applicable Laws and Executive Orders		
Law, Regulation, or Guideline	Description	Relation to the CCP
Curation of Federally-Owned and Administered Archaeological Collections (36 CFR 79)	Requires Federal agencies to ensure proper care of federally owned and administered archaeological collections, including ensuring that significant prehistoric and historic artifacts, and associated records, are deposited in an institution with adequate long-term curatorial capabilities that can provide professional, systematic, and accountable curatorial services on a long-term basis.	Any archaeological resources from the Klamath NWRC that become part of a federally owned and administered archaeological collection would be curated at a repository meeting the criteria outlined in 36 CFR 79.
Paleontological Resources		
Paleontological Resources Preservation Act of 2009 (P.L. 111-11, Title VI, Subtitle D)	Requires the management and protection of paleontological resources on federal lands using scientific principals and expertise; requires the development of plans for the inventory, monitoring, and scientific and educational use of paleontological resources; addresses the collection and curation of resources; identifies prohibited acts, and establishes criminal and civil penalties.	Should any paleontological resources be discovered by the Service, they would be conserved in place or deposited in an approved repository.
Human Rights		
Executive Order 12898, Environmental Justice	Mandates Federal agencies to achieve environmental justice by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.	Implementing the CCP will not have a disproportionately high and adverse human health or environmental effect on minority or low-income populations. The CCP promotes compatible uses of the land that protect the natural resources and provide opportunities for wildlife-dependent recreational uses.

Table 1 Applicable Laws and Executive Orders		
Law, Regulation, or Guideline	Description	Relation to the CCP
Architectural Barriers Act of 1968, as amended (42 U.S.C. §§ 4151 et seq.)	Requires that all new federal buildings and facilities constructed or altered with federal funds since 1968 be accessible to and usable by individuals with disabilities. Also requires that modifications be made to existing buildings and facilities to ensure that individuals with disabilities have equal access to any program or opportunity provided to employees or visitors.	New buildings on the Refuge will comply with these requirements. Where appropriate, new trails and outdoor facilities will be designed per the draft accessibility guidelines for outdoor developed areas.
Contaminants and Hazardous Materials		
Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (PL 96-510; 42 USC 9601, et seq.) (CERCLA)	Provides mechanism for hazardous waste cleanup.	Continued coordination with the Environmental Contaminants Program of the Klamath Falls Fish and Wildlife Office when issues related to contaminants are identified within the Refuge Complex.
Federal Insecticide, Fungicide, and Rodenticide Act of 1996 (7 USC 136-136y) (FIFRA)	Provides Federal control of pesticide distribution, sale, and use; requires USEPA approval of all pesticides used in the U.S.; assures proper labeling of pesticides, use of pesticides consistent with label specifications, and that, if used in accordance with specifications, the pesticide will not cause unreasonable harm to the environment.	Use of pesticides on Refuges requires prior approval through the Pesticide Use Proposal System. In addition, a step-down Integrated Pest Management Program will be implemented at the Refuge Complex to further guide the use of pesticides on the Refuge to ensure protection of species and habitat quality.
Air Quality		
Clean Air Act of 1970, as amended (P.L. 91-604; 42 USC 1857 seq.)	Establishes a program to regulate the discharge of dredged or fill material into waters of the United States (U.S.), including wetlands and requires a permit from the U.S. Army Corps of Engineers before dredged or fill material may be discharged into waters of the U.S.	To protect water quality, the CCP requires the implementation of best management practices when applying pesticides and during ground-disturbing activities.
Water Quality		

Table 1 Applicable Laws and Executive Orders		
Law, Regulation, or Guideline	Description	Relation to the CCP
Clean Water Act of 1972, as amended, Section 404 (33 USC 1344 et seq.)	Establishes a program to regulate the discharge of dredged or fill material into waters of the United States (U.S.), including wetlands and requires a permit from the U.S. Army Corps of Engineers before dredged or fill material may be discharged into waters of the U.S.	To protect water quality, the CCP requires the implementation of best management practices when applying pesticides and during ground-disturbing activities.
Clean Water Act of 1972, as amended, Section 401	Requires that an applicant for a federal license or permit provide a certification that any discharges will comply with the Act, including water quality standard requirements.	The Klamath NWRC will adhere to water quality standards by using best management practices.

Refuge Policies that Guide Refuge Planning and Management

Statutory authority for Service management and associated habitat management planning on units of the NWRS is derived from the National Wildlife Refuge System Improvement Act. Section 4(a)(3) of the Improvement Act states, “With respect to the National Wildlife Refuge System, it is the policy of the United States that – (A) each refuge shall be managed to fulfill the mission of the System, as well as the specific purposes for which that refuge was established . . .”

The Improvement Act provides clear standards for management, use, planning, and growth of the NWRS. Its passage followed the promulgation of Executive Order 12996 (April 1996), “Management of Public Uses on National Wildlife Refuges,” reflecting the importance of conserving natural resource for the benefit of present and future generations of people. The Improvement Act recognizes that wildlife-dependent recreational uses involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation, when determined to be compatible with the mission of the NWRS and purposes of the Refuge, are legitimate and appropriate public uses of the Refuge System.

The following policies have been developed to help guide the implementation of the Improvement Act and the administration of Refuge lands.

Compatibility Policy

The Improvement Act states “the Secretary shall not initiate or permit a new use of a Refuge or expand, renew, or extend an existing use of a Refuge, unless the Secretary has determined that the use is a compatible use and that the use is not inconsistent with public safety.” The Improvement Act also states that “compatible wildlife-dependent recreational uses [hunting, fishing, wildlife observation and photography, or environmental education and interpretation] are the priority general public uses of the System and shall receive priority consideration in Refuge planning and management; and when the Secretary determines that a proposed wildlife-dependent recreational use is a compatible use within a refuge, that activity should be facilitated, subject to such restrictions or regulations as may be necessary, reasonable, and appropriate.”

In accordance with the Improvement Act, the Service has adopted a Compatibility Policy (*Fish and Wildlife Service Manual, Part 603 FW 2*) that includes guidelines for determining if a use proposed on a NWR is compatible with the purposes for which the refuge was established. A compatible use is defined in the policy as a proposed or existing wildlife-dependent recreational use or any other use of a NWR that, based on sound professional judgment, will not materially interfere with or detract from the fulfillment of the NWRs mission or the purposes for which the Refuge was established. The Policy also includes procedures for documentation and periodic review of existing refuge uses.

When a determination is made as to whether a proposed use is compatible or not, this determination is provided in writing and is referred to as a compatibility determination. An opportunity for public review and comment is required for all compatibility determinations. Compatibility determinations prepared concurrently with a CCP are included in the public review process for the draft CCP and associated NEPA document. The Refuge has completed draft compatibility determinations for hunting, fishing, wildlife observation, photography, interpretation, and environmental education, as well as trail use and research. These compatibility determinations are available for review and comment in Appendix A.

Appropriate Use Policy

Refuges are first and foremost national treasures for the conservation of wildlife. Through careful planning, consistent system-wide application of regulations and policies, diligent monitoring of the impacts of uses on wildlife resources, and preventing or eliminating uses not appropriate to the Refuge System, the conservation mission of the Refuge System can be achieved, while also providing the public with lasting opportunities to enjoy and appreciate the resources protected within the Refuge System. The Appropriate Use Policy (*Fish and Wildlife Service Manual, Part 603 FW 1*) provides a national framework for determining appropriate refuge uses and outlines the procedures refuge managers must follow when deciding if a new or existing use is an appropriate use on the refuge. If an existing use is not appropriate, the refuge manager will eliminate or modify the use as expeditiously as practicable. If a proposed use is not determined to be appropriate, the use will not be allowed and a compatibility determination will not be prepared.

To be considered appropriate, a proposed or existing use on a refuge must meet at least one of the four conditions described below. All uses determined to be appropriate are also reviewed for compatibility.

- 1) The use is a wildlife-dependent recreational use as identified in the Improvement Act (i.e., hunting, fishing, wildlife observation and photography, and environmental education and interpretation).
- 2) The use contributes to fulfilling the refuge purpose(s), the Refuge System mission, or goals or objectives described in an approved refuge management plan.
- 3) The use involves the take of fish and wildlife under State regulations. (States have regulations concerning take of wildlife that includes hunting, fishing, and trapping. Take of wildlife under such regulations is considered appropriate; however, the refuge manager must determine if the activity is compatible before allowing it on a refuge.)
- 4) The use has been found to be appropriate after considering the following criteria:

- a) The Service has jurisdiction over the use. (If the Service does not have jurisdiction over the use or the area where the use would occur, no authority exists to consider the use.)
- b) The use complies with all applicable laws and regulations (e.g., Federal, State, tribal, and local). (Uses prohibited by law are not appropriate.)
- c) The use is consistent with applicable Executive Orders and Department and Service policies. (If a use conflicts with an applicable Executive Order or Department or Service policy, the use is not appropriate.)
- d) The use is consistent with public safety. (If a use creates an unreasonable level of risk to visitors or refuge staff, or if the use requires refuge staff to take unusual safety precautions to assure the safety of the public or other refuge staff, the use is not appropriate.)
- e) The use is consistent with refuge goals and objectives in an approved management plan or other document. (If a use, either itself or in combination with other uses or activities, conflicts with a refuge goal, objective, or management strategy, the use is generally not appropriate.)
- f) The use has been previously considered in a refuge planning process or under this policy and was rejected as not appropriate. (Unless circumstances or conditions have changed significantly, the use need not be considered further.)
- g) The use would not divert management efforts or resources away from the proper and reasonable management of a refuge or the implementation of a wildlife-dependent recreational use. (A use, other than a wildlife-dependent recreational uses [i.e., hunting, fishing, wildlife observation and photography, and environmental education and interpretation], that diverts available resources is generally not appropriate.)
- h) The use will be manageable in the future within existing resources. (If a use would lead to recurring requests for the same or similar activities that will be difficult to manage in the future, then the use is not appropriate. However, if the use can be managed so that impacts to natural and cultural resources are minimal or inconsequential, or if clearly defined limits can be established, then the use may be further considered.)
- i) The use contributes to the public's understanding and appreciation of the refuge's natural or cultural resources, or is beneficial to the refuge's natural or cultural resources. (If this is not the case, such a use would generally be considered not appropriate.)
- j) The use can be accommodated without impairing existing wildlife-dependent recreational uses or reducing the potential to provide quality, compatible, wildlife-dependent recreation into the future. (If this is not the case, such a use would generally be considered not appropriate.)

This Policy also states that if, during preparation of the CCP, a previously approved use can no longer be considered appropriate on the refuge, the reasons for this determination must be clearly explained to the public and a description of how the use will be eliminated or modified must also be provided. The documentation for both appropriateness findings and compatibility determinations are provided in Appendix G.

Although a refuge use may be both appropriate and compatible, the refuge manager retains the authority to not allow the use or to modify the use. For example, on some occasions, two appropriate and compatible uses may be in conflict with each other. In these situations, even though both uses are appropriate and compatible, the refuge manager may need to limit or entirely curtail one of the uses in order to provide the greatest benefit to refuge resources and the public.

Biological Integrity, Diversity and Environmental Health Policy

Section 4(a)(4)(B) of the Improvement Act states, "In administering the System, the Secretary shall . . . ensure that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans . . ." This legislative mandate represents an additional directive to be followed while achieving refuge purposes and the NWRS mission. The Improvement Act requires the consideration and protection of a broad spectrum of fish, wildlife, plant and habitat resources found on a refuge. To implement this mandate, the Service has issued the Biological Integrity, Diversity and Environmental Health Policy (*Fish and Wildlife Service Manual, Part 601 FW 3*), which provides policy for maintaining and restoring, where appropriate, the biological integrity, diversity, and environmental health of the NWRS. This policy provides a refuge manager with an evaluation process to analyze his/her refuge and recommend the best management direction to prevent further degradation of environmental conditions; and where appropriate, and in concert with refuge purposes and the NWRS mission, to restore lost or severely degraded resource components. Within section 3[3.7B] of the policy, the relationships among biological integrity, diversity, and environmental health; the NWRS mission; and refuge purposes are explained as follows, "...each refuge will be managed to fulfill refuge purpose(s) as well as to help fulfill the System mission, and we will accomplish these purposes(s) and our mission by ensuring that the biological integrity, diversity, and environmental health of each refuge are maintained and where appropriate, restored."

When evaluating the appropriate management direction for refuges, refuge managers will use sound professional judgment to determine their refuge's contribution to biological integrity, diversity, and environmental health at multiple landscape scales. Sound professional judgment incorporates field experience, an understanding of the refuge's role within an ecosystem, and the knowledge of refuge resources, applicable laws, and best available science, including consultation with resource experts both inside and outside of the Service.

The priority public uses of the NWRS are not in conflict with this policy when they have been determined to be compatible. The directives of this policy do not envision or necessitate the exclusion of visitors or the elimination of visitor use structures from refuges; however, maintenance and/or restoration of biological integrity, diversity, and environmental health may require spatial or temporal zoning of visitor use programs and associated infrastructures. General success in maintaining or restoring biological integrity, diversity, and environmental health will produce higher quality opportunities for wildlife-dependent recreational uses.

Wilderness Stewardship Policy

The Wilderness Stewardship Policy, described in Part 610 FW 1 – 5 of the Fish and Wildlife Service Manual, provides an overview and foundation for implementing the National Wildlife Refuge System Administration Act of 1966, as amended, and the Wilderness Act of 1964. In the Wilderness Act, Congress called for the establishment of a National Wilderness Preservation System to secure an “enduring resource of wilderness” for the American public. Wilderness, as defined in Section 2(c) of the Wilderness Act, is an area that “. . . generally appears to have been affected primarily by the forces of nature with the imprint of man’s work sustainably unnoticeable . . . has outstanding opportunities for solitude or a primitive and unconfined type of recreation . . . [and] has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition...”

The Wilderness Stewardship Policy provides refuge managers with guidance on conducting wilderness reviews on Refuge System lands to determine if these lands should be recommended for wilderness designation. It also establishes policy for managing wilderness study areas and recommended and proposed wilderness. The Policy also prescribes how refuge managers will preserve the character and qualities of designated wilderness while managing for refuge establishing purpose(s).

Part 610 FW 4 of the Service Manual describes the wilderness review process, a process that must be followed when identifying and recommending for congressional designation Refuge System lands and waters that merit inclusion in the National Wilderness Preservation System. Wilderness reviews are to be conducted as part of a scheduled CCP or CCP revision, but can also be conducted at any time if significant new information becomes available, ecological conditions change (including the restoration of significant acreage to natural conditions so that area now meets the definition of wilderness), or major refuge expansion occurs. The process must include interagency and tribal coordination, public involvement, and NEPA compliance. The wilderness reviews conducted for the Klamath Basin NWRs are presented in Appendix K of this document.